

Serial No. 10/715,022

Application Filed On: January 2, 2004

Response filed April 20, 2007

Response to Final Office Action Mailed February 20, 2007

**REMARKS**

Claims 36-66 are pending in the present application. Favorable reconsideration and allowance of the present application are respectfully requested.

**Claim rejections pursuant to 35 U.S.C. § 103(a)**

Claims 36-41, 43-52, and 54-66 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 20020055351A1 to Elsey et al. (hereinafter referred to as "Elsey"), in view of U.S. Patent Publication No. 20020049907A1 to Woods et al. (hereinafter referred to as "Woods"), and further in view of U.S. Patent No. 6,546,005 to Berkley et al. (hereinafter referred to as "Berkley") Also, Claims 42 and 53 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Elsey, in view of Woods, Berkley, and further in view of U.S. Patent No. 6,345,245 to Sugiyama et al. (hereinafter referred to as "Sugiyama"). In view of the following remarks, Applicant respectfully traverses these rejections since a *prima facie* case of obviousness in view of the cited references is not supported.

**Claims 36-47**

Claim 36 describes a method that includes generating an authorization request to request permission from the subscriber terminal to provide the information record of the subscriber terminal to the wireless terminal, transmitting the authorization request to the subscriber terminal in accordance with the determined contact preference, and receiving a reply from the subscriber terminal indicative of whether or not the requested information record is permitted to be provided to the wireless terminal.

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None of the cited art either alone or in combination teaches or suggests generating an authorization request to request permission from the subscriber terminal to provide the information record of the subscriber terminal to the wireless terminal as described in Claim 36. In the office action mailed February 20, 2007, it was asserted that Woods describes such limitations. However, the cited portions of Woods simply describe an email sent to a parent for permission when a child would like to access, or send information, to a web site. What is absent from Woods, or any other cited reference, is the generation of an authorization request to request permission from a subscriber terminal to provide an information record of said subscriber terminal. Clearly, a request to a parent to allow the parent's child to access a website over the Internet, is completely different than a request for permission from a subscriber terminal to provide an information record of said subscriber terminal.

Thus, it follows that none of the cited prior art teaches, suggests, or discloses receiving a reply from a subscriber terminal indicative of whether or not the requested information record of said subscriber terminal is permitted to be provided to the wireless terminal as also described in Claim 36. In the office action mailed February 20, 2007, it was asserted that the permission (or denial of permission) by a parent of a child that wants to access a website is equivalent. This asserted equivalency is respectively traversed since permission to access information on a third party website as described by Woods, and permission by a subscriber terminal whether or not requested information of that subscriber terminal is permitted to be provided to a requesting wireless terminal are entirely different.

As detailed in section 2144.06 of the MPEP, when rejecting a claim based on art recognized equivalents "the equivalency must be recognized in the prior art, and cannot be based on applications disclosure or the mere fact that the components at issue are functional or

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mechanical equivalents.” In a court case addressing equivalents, it was determined that functional or mechanical equivalents “are not necessarily obvious in view of one another”, and with respect to the presently pending application, permission of a parent to allow a child to access a web site, does not fairly suggest permission by a subscriber terminal whether to provide requested information of that subscriber terminal to a requesting wireless terminal. (see MPEP §2144.06)

Also, for purposes of preserving issues for appeal, it follows that none of the cited references teach or suggest generating a response that includes the information record of the subscriber terminal only when the reply from the subscriber terminal is indicative of permission to proceed with provision of the requested information record, as described in Claim 37. In addition, none of the cited references describe a multi-modal response as described in Claims 39 and 46, since, the cited portions of Elsey teach away by describing use of various reminder notifications as alternatives (“utilize one method of delivery over another”), which is clearly not a multi-modal message that includes a voice-based response and a text-based response. Contrary to the assertions on page 6 of the office action mailed February 20, 2007, generation of a multi-modal response, as described in Claim 46 is also not taught or suggested.

#### Claims 48-58

Claim 48 describes a computer program that includes a code segment that generates an authorization request for permission to provide the information item associated with the subscriber terminal to the wireless terminal. The cited references, on the other hand, are completely silent on generation of an authorization request for permission to provide an information item associated with a subscriber terminal. Woods teaches away from such a step by

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describing parental permission of a child's access to, or sending of something to a particular website URL (paragraph 32).

Further, none of the cited references describe a code segment that interprets a reply from the subscriber terminal to determine if permission to provide the information item associated with the subscriber terminal to the wireless terminal was granted as described in Claim 48. Clearly, none of the cited references describe permission by a subscriber terminal to provide an information item associated with said subscriber terminal, and any form of equivalency to such limitations in the cited references is lacking (see MPEP §2144.06).

Also, for purposes of preserving issues for appeal, none of the cited references teach or suggest a multi-modal message as described in Claim 51.

#### Claims 59-65

Claim 59 describes a system that includes an information assistance application server that includes an information assistance application configured to generate an authorization request to request authorization from a subscriber terminal to provide the information item associated with the subscriber terminal to the wireless terminal. The cited references, on the other hand, fail to teach or suggest such an application, and specifically, Woods simply describes parental permission for a child's access to a website, which is entirely different than a request for authorization from a subscriber terminal to provide an information item associated with that subscriber terminal. In addition, Claim 59 describes that the information assistance application is further configured to receive from the subscriber terminal a reply to the authorization request indicating whether or not to provide the information item associated with the subscriber terminal to the wireless terminal. None of the cited art, either alone or in combination describes a reply of

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a subscriber terminal that indicates whether or not to provide an information item associated with said subscriber terminal, and equivalency does not exist (see MPEP §2144.06).

Also, for purposes of preserving issues for appeal, none of the cited references teach or suggest a multi-modal message as described in Claims 62 or 63.

#### Claim 66

Claim 66 describes a system that includes means for generating a message for the subscriber terminal that requests permission to release the contact information record associated with the subscriber terminal to the wireless terminal. None of the cited prior art describes generation of a message for a subscriber terminal that requests permission to release the contact information record associated with said subscriber terminal. To the contrary, Elsey and Barclay are silent, and Woods describes parental decision of a child's request to access a URL of a third party website, which, Applicant respectfully asserts is not equivalent. (see MPEP §2144.06)

For at least the foregoing reasons, none of the cited references, either alone or in combination, teach, suggest, or describe each and every limitation of Claims 36-66, thus a *prima facie* case of obviousness cannot be maintained. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejections of Claims 36, 48, 59, and 66, and the Claims dependent therefrom.

Claims 36-66 are clear and definite, and for at least the foregoing reasons, are patentable over the cited references. Accordingly, Applicant believes that the present pending claims of this application are allowable and respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in

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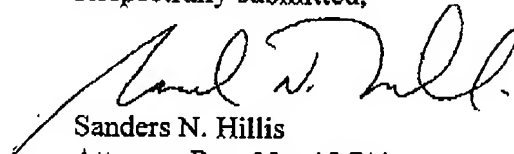
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expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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